



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

December 15, 2011

Mr. William Honker, Acting Director
Office of Water, Water Quality Division
Environmental Protection Agency, Region 6
Water Quality Division (6WQ)
1445 Ross Avenue
Dallas, TX 75202-2733

RE: Stage 2 of the Disinfection Byproducts Rules

Dear Mr. Honker:

As you know, the Oklahoma Department of Environmental Quality ("ODEQ") does not have primacy from the U.S. Environmental Protection Agency ("EPA") for Stage 2 of the Disinfection Byproducts Rules ("DBP Rules"), which amends Stage 1 of the DBP rules. Through discussions with Region 6 staff, ODEQ has become aware that Region 6 plans on implementing the Stage 2 monitoring requirements for HAA5 and TTHM beginning January 1, 2012, as opposed to April 1, 2012, in the schedule in 40 C.F.R. Part 141.620(c). The purpose of this letter is to advise Region 6 (1) of ODEQ's position concerning the transition of regulation of the DBP Rules from ODEQ to EPA, and (2) the resulting anticipated work overload to ODEQ's laboratory in August 2012 and calendar year 2013.

As EPA begins to implement Stage 2 in Oklahoma, ODEQ plans on transferring all responsibility for implementation of all DBP requirements (not just the requirements for HAA5 and TTHM) to EPA pursuant to the Stage 2 monitoring schedule for HAA5 and TTHM in 40 C.F.R. Part 141.620(c) or earlier at EPA's request. The details concerning the transition of systems currently under enforcement for Stage 1 violations from ODEQ to EPA have yet to be worked out. However, ODEQ would propose that ODEQ continue to enforce ODEQ's active executed Consent Orders until such time that the terms of the Consent Order are met or EPA issues an Order that supersedes ODEQ's Consent Order.

ODEQ's concern is that Region 6's Stage 2 monitoring schedule will increase the likelihood that ODEQ's laboratory may have to reject samples for analysis due to capacity issues during the month of August 2012. ODEQ's laboratory has the capacity to analyze up to 250 HAA5 samples in any given month. Under Region 6's current Stage 2 implementation schedule, there are already 238 HAA5 samples scheduled for analysis in August 2012, which is in addition to those annual and triennial samples already scheduled for analysis in August 2012 under Stage 1. For calendar year 2013, ODEQ's laboratory anticipates running at capacity each month with several requests for analysis being rejected due to the increased volume of samples required under Stage 2.



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As noted above, EPA Region 6 plans to implement the Stage 2 monitoring requirements for HAA5 and TTHM earlier than the schedule in 40 C.F.R. Part 141.620(c). EPA Region 6's plans for implementation will require systems to begin this monitoring from three months up to a year in advance of Schedules 1-4 in 40 C.F.R. part 141.620(c). In addition to the disadvantages to ODEQ's laboratory noted above, EPA Region 6's schedule will put Oklahoma's public water supplies at a disadvantage from the point of view of being able to maintain compliance, and it will strain resources related to funding and construction upon which systems depend to achieve compliance. The DEQ staff will be providing more specific information to your staff at the upcoming meeting.

We look forward to meeting with your staff on Tuesday, December 20, 2011, to further discuss these transition issues. If you have any questions, please feel free to call me at (405) 702-8100.

Sincerely,



Shellie Chard-McClary

Division Director

Water Quality Division

Oklahoma Department of Environmental Quality

SCM/SDG/MTB/CA/KC/DP/PR/CP/MW

c: Steven A. Thompson, Executive Director, ODEQ